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MINISTRY OF LAW

New Delhi, the 4th February 1955

THE TUENSANG FRONTIER DIVISION (UNDESIRABLE
PERSONS) REGULATION, 1955

No. 1 OF 1955

Promulgated by the President in the Sixth Year of the Republic of India.

A Regulation to provide for the control of entry into, and for the removal from, Tuensang Frontier Division of the North Eastern Frontier Agency, of undesirable persons.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. Short title.—This Regulation may be called the Tuensang Frontier Division (Undesirable Persons) Regulation, 1955.

2. Definitions.—In this Regulation, unless the context otherwise requires,—

(a) "Division" means the Tuensang Frontier Division mentioned in the North East Frontier Areas (Administration) Regulation, 1954 (Regulation 1 of 1954);

(b) "Governor" means the Governor of Assam;

(c) "Political Officer" means the Political Officer of the Division;

(d) "Scheduled Tribe" has the same meaning as in the Constitution.

3. Control of entry of undesirable persons into the Division.—Where the Political Officer is of the opinion that the entry into the Division of any person ordinarily resident in any place outside the Division is detrimental to the interests of the general public or of any Scheduled Tribe in the Division, the Political Officer may, for reasons to be recorded, by order, direct such person not to enter the Division.

4. Removal of undesirable persons from the Division.—Where the Political Officer is of the opinion that the presence within the Division of any person whether ordinarily resident in any place outside the Division or within it, is detrimental to the interests of the general public or of any Scheduled Tribe in the Division, the Political Officer may, for reasons to be recorded, by order—

(a) direct such person to remove himself from the Division within such time and by such route as may be specified in the order and after such removal not to enter the Division without the previous permission in writing of the Political Officer; and

(b) give such further directions in regard to his removal from the Division as he may consider necessary or expedient.

5. Period of operation of orders under sections 3 and 4.—An order made under section 3 or section 4 not to enter the Division shall remain in force for such period as may be specified therein so however as not to exceed in any case a period of three years from the date on which it was given.

6. Appeal.—Any person aggrieved by an order made under section 3 or section 4 may appeal to the Governor within thirty days from the date of the order.

7. Finality of decisions and orders in certain cases.—The decision of the Governor on appeal under section 6 and, subject to such decision, the order made by the Political Officer under section 3 or section 4 shall be final and conclusive and shall not be called in question in any court except on the ground that there was no material before the Governor or the Political Officer upon which he could have based his decision or order.

8. Power to give effect to orders, etc.—The Political Officer may, in addition to any other action which he is expressly empowered to take under this Act, take or cause to be taken such steps, and use or cause to be used such force as may, in his opinion, be reasonably necessary for the effective exercise of his powers under this Regulation.

9. Temporary permission to enter the Division.—(1) The Political Officer may, by order, permit any person in respect of whom an order has been made under section 3 or section 4, to enter the Division for a temporary period subject to such conditions as the Political Officer may, by general or special order, specify and may at any time revoke such permission.

(2) In permitting a person under sub-section (1) to enter the Division, the Political Officer may require him to enter into a bond with or without sureties for the observance of the conditions imposed upon his entry.

(3) Any person permitted under sub-section (1) to enter the Division shall surrender himself at the time and place and to the authority specified in the order on the expiration of the period of permit unless the order is revoked in the meantime in which event he should surrender himself immediately as may be required.

10. Penalties.—Any person who—

(a) contravenes, or attempts to contravene, or abets the contravention of, any order made under section 3 or section 4; or

(b) harbours any person who has contravened any order made under section 3 or section 4; or

(c) contravenes any provision of section 9;

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

11. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Political Officer or any other person for anything which is in good faith done or intended to be done under this Regulation.

12. Regulation not to affect the operation of other laws.—The provisions of this Regulation are in addition to, and not in derogation of, the provisions of any other law for the time being in force in the Division.

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

